

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

LEONARDI MANUFACTURING CO., INC.

Plaintiff,

Civil Action No.
5:04-CV-436 (DEP)

vs.

CONCEPTUAL MARKETING AND
DEVELOPMENT, INC., *doing business as*
CMD Products,

Defendant.

APPEARANCES: _____ OF COUNSEL:

FOR PLAINTIFF:

BOND, SCHOENECK LAW FIRM
One Lincoln Center
Syracuse, New York 13202-1355

DAVID L. NOCILLY, ESQ.
GEORGE R. McGUIRE, ESQ.

FOR DEFENDANT:

WEINTRAUB, GENSHLEA LAW FIRM AUDREY A. MILLEMANN, ESQ.
400 Capitol Mall
11th Floor
Sacramento, CA 95814

MENTER, RUDIN LAW FIRM
500 South Salina Street
Suite 500
Syracuse, New York 13202

STEVEN B. ALDERMAN, ESQ.

DAVID E. PEEBLES
U.S. MAGISTRATE JUDGE

JUDGMENT DISMISSING ACTION
BASED UPON SETTLEMENT

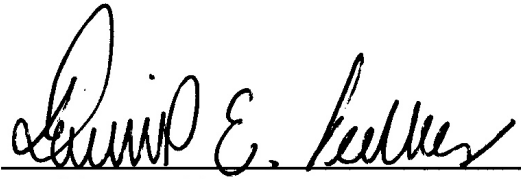
I have been informed by plaintiff's counsel that the parties have entered into an agreement in settlement of all claims in this action, and that they reasonably anticipate finalizing their agreement shortly, following which this action will be discontinued, with prejudice, by stipulation pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure. Based upon this development, I find that it is not necessary for this action to remain on the court's active docket.

It is therefore hereby

ORDERED, as follows:

- 1) This action is dismissed, with prejudice, except as set forth below.
- 2) The court will retain complete jurisdiction to vacate this order and to reopen the action within three months from the date of this order upon cause shown that the settlement has not been completed and further litigation is necessary.
- 3) The Clerk shall forthwith serve copies of this judgment upon the parties and/or their attorneys appearing in this action by electronic

means.

A handwritten signature in black ink, appearing to read "David E. Peebles", written over a horizontal line.

David E. Peebles
U.S. Magistrate Judge

Dated: May 8, 2006
Syracuse, New York